

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	13-00031-01-CR-W-FJG
TYWAN A. POOLE,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 17, 2014. Defendant Tywan Poole appeared in person and with appointed counsel Laine Cardarella. The United States of America appeared by Assistant United States Attorney Bill Meiners.

I. BACKGROUND

On August 17, 2014, a Superseding Indictment was returned in this case. Defendant is charged with two counts of possession with the intent to distribute 10 grams or more of a mixture or substance containing PCP, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B); one count of possessing a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i); one count of possession with the intent to distribute some amount of a mixture or substance containing PCP, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C); and two counts of possessing a firearm in furtherance of a drug

trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(C)(i).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Meiners announced that he and Rebecca Terry will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Mario Florido, Kansas City, Missouri Police Department.

Ms. Cardarella announced she will be trial counsel for Defendant. Eimee Edington will assist.

III. OUTSTANDING MOTIONS

Defendant Poole's motion in limine (Doc. No. 153) remains pending.

IV. TRIAL WITNESSES

Mr. Meiners announced that the government intends to call 29 witnesses without stipulations or 12 witnesses with stipulations during the trial.

Ms. Cardarella announced that Defendant Poole intends to call 12 witnesses during the trial. Defendant Poole may testify.

V. TRIAL EXHIBITS

Mr. Meiners announced that the government will offer approximately 111 exhibits in evidence during the trial.

Ms. Cardarella announced that Defendant Poole will offer approximately 10 exhibits in evidence during the trial.

VI. DEFENSES

Ms. Cardarella announced that Defendant Poole will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Cardarella stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to the operative firearm, Defendant's concealed carry permit status, DNA expert testimony, Defendant's bail-bond agent licensing status, and public records.

IX. TRIAL TIME

Counsel were in agreement that this case will take 4 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed April 15, 2013, counsel for each party file and serve a list of exhibits he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 17, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 24, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday,

¹Counsel in all cases assigned to be tried before Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by September 26, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they

September 24, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues will probably be filed: Defendant's concealed carry permit status and Defendant looking for people who had jumped bond.

There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on September 29, 2014. Because of conflicts, the parties both need the second week of the docket.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
September 17, 2014

cc: Mr. Kevin Lyon

are to be given.